

TOWNSEND AND TOWNSEND AND CREW LLP
DAVID E. SIPIORA (State Bar No. 124951)
desipiora@townsend.com
KRISTOPHER L. REED (State Bar No. 235518)
klreed@townsend.com
1200 Seventeenth Street, Suite 2700
Denver, CO 80202
Telephone: (303) 571-4000
Fax: (303) 571-4321

TOWNSEND AND TOWNSEND AND CREW LLP
IRIS SOCKEL MITRAKOS (State Bar No. 190162)
ismitrakos@townsend.com
12730 High Bluff Drive, Suite 400
San Diego, CA 92130
Telephone: (858) 350-6100
Facsimile: (858) 350-6111

Attorneys for Plaintiff
PULSE ENGINEERING, INC.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PULSE ENGINEERING, INC., a Delaware
corporation,

Plaintiff,

v.

MASCON, INC., doing business as ATW
SECURITY, a Massachusetts corporation,

Defendant.

Case No. 08cv0595 JM AJB

**PLAINTIFF'S REPLY TO
DEFENDANT'S COUNTERCLAIM**

DEMAND FOR JURY TRIAL

Plaintiff Pulse Engineering, Inc. ("Pulse") hereby replies to the Counterclaim of Defendant Mascon, Inc. ("Mascon"). Except as expressly admitted below, Pulse denies each and every allegation in Defendant's Counterclaim. Specifically, Pulse replies as follows:

PARTIES

1. Pulse admits the allegations of Paragraph 1 of the Counterclaim.
2. Pulse admits the allegations of Paragraph 2 of the Counterclaim.

3. Pulse admits the allegations of Paragraph 3 of the Counterclaim.

4. Pulse admits the allegations of Paragraph 4 of the Counterclaim.

5. Pulse admits the allegations of Paragraph 5 of the Counterclaim.

6. Pulse admits the allegations of Paragraph 6 of the Counterclaim.

COUNT I

7. Pulse denies the allegations of Paragraph 7 of the Counterclaim.

COUNT II

8. Pulse denies the allegations of Paragraph 8 of the Counterclaim.

COUNT III

9. Pulse denies the allegations of Paragraph 9 of the Counterclaim.

COUNT IV

10. Pulse denies the allegations of Paragraph 10 of the Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Pulse respectfully requests that this Court:

- (a) Dismiss Mascon's Counterclaim in its entirety with prejudice;
- (b) Enter judgment that Mascon is not entitled to any of the relief requested in its Answer and Counterclaim;
- (c) Enter judgment that Mascon has infringed and continues to infringe claims of U.S. Patent No. 6,404,347 ("the '347 patent") and U.S. Patent No. 6,472,992 ("the '992 patent");
- (d) Enter an order permanently enjoining Mascon and its respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of the '347 and '992 patents;
- (e) Enter an award of damages to Pulse arising out of Mascon's infringement of the '347 and '992 patents, including enhanced damages pursuant to 35 U.S.C. § 284, in an amount according to proof and no less than a reasonable royalty;
- (f) Enter an order, pursuant to 35 U.S.C. § 285, declaring this case to be "exceptional" and awarding Pulse its reasonable attorneys' fees in connection with this action;

- 1 (g) Enter an order awarding costs of this action to Pulse;
- 2 (h) Enter an order that Mascon must pay Pulse prejudgment and post-judgment interest on
- 3 Pulse's damages, costs, and attorneys' fees; and
- 4 (i) Enter an award to Pulse of such other and further relief as this Court deems just and
- 5 proper.

6 DATED: July 2, 2008

TOWNSEND AND TOWNSEND AND CREW LLP

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8 /s/Kristopher L. Reed

9 David E. Sipiora

10 Iris Sockel Mitrakos

11 Kristopher L. Reed

12 Attorneys for Plaintiff

13 PULSE ENGINEERING, INC.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Pulse hereby demands a jury trial on all issues so triable.

DATED: July 2, 2008

TOWNSEND AND TOWNSEND AND CREW LLP

/s/Kristopher L. Reed

David E. Sipiora

Iris Sockel Mitrakos

Kristopher L. Reed

Attorneys for Plaintiff

PULSE ENGINEERING, INC.

CERTIFICATE OF SERVICE

This is to certify that a copy of **PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM** was served on the following parties by CM/ECF:

Martin J. O'Donnell
Cesari and McKenna LLP
88 Black Falcon Avenue
Boston, MA 02210

Thomas W. Ferrell
Higgs, Fletcher & Mack LLP
401 West "A" Street
Suite 2600
San Diego, CA 92101

Nelson P. Lovins
Lovins & Metcalf
10 Cedar Street
Woburn, MA 01801

Attorneys for Defendant.

Dated: July 2, 2008

/s/Glenda S. Richey

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